

Nine Mile Creek Distribution System Meeting
February 22, 1971

A meeting of the water users on the Nine Mile Distribution System was held at the Nev Wimmer Ranch on February 22, 1971, at 1:00 p.m. The Nine Mile Distribution System includes Nine Mile Creek, Argyle Creek, Minnie Maude Creek, and the tributaries thereto. This meeting was called in accordance with a decision made at the annual meeting of the water users held in the Carbon County Courthouse, Price, Utah, on January 29, 1971, at 1:00 p.m.

The meeting was called to order by John Bene, Deputy State Engineer, at 1:15 p.m. Mr. Bene made a general statement regarding the problems on the Nine Mile System and possible solutions to these problems. It was suggested that two representatives be selected to oversee the distribution of the waters of the system. One representative would be from the Preston Nutter Corporation and the other from the other users. Mr. Bene indicated that it would be necessary to have measuring devices at all diversion points. If there were no measuring devices installed or if the measuring devices were not correctly installed, no water would be delivered. Mr. Bene indicated that everyone who used water would be assessed.

Howard Price of the Preston Nutter Corporation indicated that the local people would have no trouble in handling the water, at least until the low water period. He indicated that he had reservations about the effectiveness of local control during the low water period. Mr. Price suggested that personnel of the Southeastern Area Office of the Division of Water Rights at Price make a trip over the entire Nine Mile Distribution System once a month to record water levels at measuring devices and to generally observe the operation of the system. Mr. Bene indicated the point was well taken and that this would be done.

It was pointed out that the reason a commissioner was appointed last year was to eliminate the problem of Southeastern Area Office personnel spending a disproportionate amount of time on the distribution problems of this system. The method of assessment for the previous year was also criticized. It was pointed out that at the time of the appointment of the water commissioner last year about one-half of the irrigation season was past and that the assessment was made in a manner which, at the time, appeared to be the most equitable.

Following a discussion, it was agreed that Howard Price of the Preston Nutter Corporation would be one of the representatives. Albert Thayn nominated Frank Albertson as the other representative, and Mr. Albertson was voted in by acclamation. These two representatives would not be water commissioners¹ but would represent the water users in the distribution of the water. They would bring any problems or inequities to the attention of the parties concerned. The Southeastern Area Office personnel on their once monthly visits would make water measurements at all of the diversions. The assessment for the tentative budget of \$350.00 would be based upon the water used at the diversions as indicated by the measurements made by the Southeastern Area Office through the month of August. The system representatives were to be reimbursed for any expenses incurred in the performance of their duties and were possibly also to be paid for the time spent in such performance, depending upon the amount of time involved.

¹ The State Engineer will appoint and bond these men as deputy commissioners.

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The Southeastern Area Office will survey the system as soon as possible with respect to water measuring devices. Each water user will be notified as soon as this survey is completed as to the condition of his or their water measuring device or devices.

The following were in attendance at this meeting:

John Bene, Deputy State Engineer
Amber Keel
Ford Fillingim
Nev Wimmer
Sharp Bryner
Frank Albertson
Albert Thayn

Kenward H. McKinney, Division of Water Rights
Frank Brock
Henry Mills
Jack Wimmer
Jerry Burdick
Howard C. Price Jr.

Copies of the minutes sent to: all those present at the meeting, Lyle Bryner, Willis Hammerschmid, Albert Leautaud, Louis Motte, Leon Pressett, Leon Thayn, Dick Pexton, Frank Reese, and Donald Norseth.